

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

COPY

STANLEY P. LASKOWSKI, III and
MARISOL LASKOWSKI,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

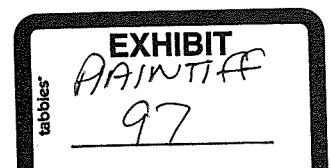
NO. 3:10-CV-600

Videoconference Videotaped Deposition of
CAPTAIN JASON BROENE, taken by counsel for the
Plaintiffs, pursuant to Subpoena, Notice and by
agreement of counsel, under the Federal Rules of
Civil Procedure, reported by Linda E. Cheek, RMR,
CCR-A-752, at the offices of McKee Court Reporting,
4849 Paulsen Street, Suite 304, Savannah, Georgia, on
Monday, June 15, 2011, commencing at 9:04 a.m.

Transcript Prepared By:

McKEE COURT REPORTING, INC.
P.O. Box 9092
Savannah, Georgia 31412-9092
(912) 691-4545

McKee Court Reporting, Inc.
912-691-4545



1 APPEARANCES OF COUNSEL

2 FOR THE PLAINTIFFS:

3 PATRICK A. CASEY, Esq.
4 JOHN B. DEMPSEY, Esq.
(By Videoconference)
5 MYERS, BRIER & KELLY, LLP
425 Spruce Street
6 Suite 200
Scranton, Pennsylvania 18503
7 (570) 342-6100
pcasey@mbklaw.com
8 jdempsey@mbklaw.com

9 FOR THE DEFENDANT:

10 G. MICHAEL THIEL, Esq.
11 (By Videoconference)
UNITED STATES ATTORNEY'S OFFICE
12 235 North Washington Avenue
Suite 311
13 Scranton, Pennsylvania 18503
(570) 348-2800

14 ALSO PRESENT:

15 Bill Kaska, Videographer
16
17
18
19
20
21
22
23
24
25

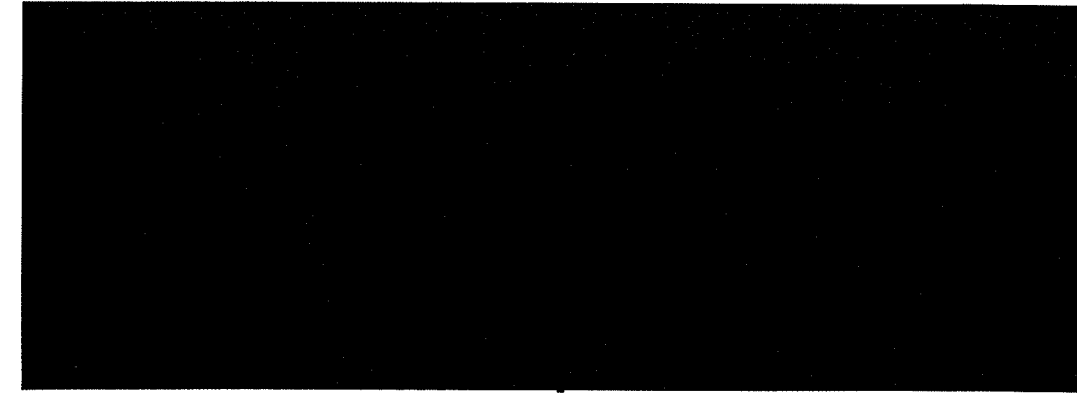
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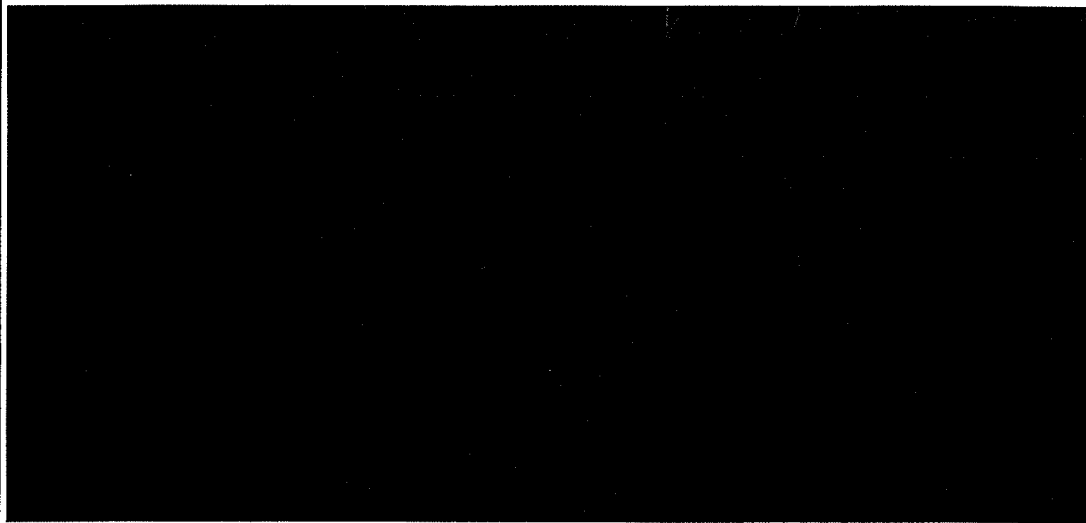
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8 Today we are together for a deposition for
9 use at trial, and you are here today pursuant to a
10 federal Subpoena that compels your attendance.

11 Correct?

12 A. Correct.




22 Q. Captain Broene, are you currently
23 employed?

24 A. I am.

25 Q. By whom are you employed?

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1 A. Hussey Gay Bell and Deyoung, an
2 architectural and engineering firm here in Savannah,
3 Georgia.



10 Q. Captain Broene, have you earned a college
11 degree?

12 A. I have. From the University of Michigan.

13 Q. And what was your -- what did you study at
14 the University of Michigan?

15 A. Architecture.

16 Q. When did you graduate?

17 A. The spring of 1999.

18 Q. And at some point I take it you made the
19 decision to enter the United States Marine Corps; is
20 that correct?

21 A. That is correct. My senior --

22 Q. When did you decide -- I'm sorry, go
23 ahead.

24 A. My senior year of college I decided to
25 join the Marine Corps.

1 Q. Why did you decide to become a Marine?

2 A. Just I wanted to serve, looked like it was
3 something that would be interesting to me,
4 challenging. Just decided after college that I was
5 going to do it and become a Marine officer.

6 Q. And I take it -- did you in fact become a
7 Marine officer?

8 A. I did. In the fall of 1999 I attended
9 officer candidate school in Quantico, Virginia, and I
10 received a commission December of 1999 as a second
11 lieutenant.

12 Q. For how long, Captain Broene, did you
13 serve in the United States Marine Corps?

14 A. Just shy of eight years. It was about
15 seven years and eight months I believe.

16 Q. So, did you receive an honorable discharge
17 at the time of your separation from the Marine Corps?

18 A. I did.

19 Q. And what date did you separate?

20 A. June 1, 2007.

21 Q. Did you specialize in the Marine Corps?

22 A. My specialty or occupational specialty was
23 artillery. I was an artillery officer. That was my
24 specialty.

25 Q. Describe briefly, if you would, for us

1 what is in the billet of an artillery officer?

2 A. There is a few different things you can
3 do. You can be a forward observer where you are with
4 the infantry calling in artillery. You can also be a
5 fire direction officer where you're back with the
6 guns and basically calculating firing data, receiving
7 the information from a forward observer and actually
8 you are in charge of where the rounds end up.

9 You can also be a liaison officer where
10 you are kind of -- you're with the infantry, again
11 kind of as the liaison between the infantry and the
12 artillery. I did all three billets as an artillery
13 officer.

14 Q. During your time in the Marine Corps, were
15 you ever employed or deployed outside of the United
16 States?

17 A. I was. From November 2001 through I
18 believe April or May 2002.

19 Q. Where were you deployed during that period
20 of time?

21 A. We were deployed to the Mediterranean, but
22 obviously with September 11 we also spent -- I spent
23 about a month and a half in Afghanistan conducting
24 combat operations in and around Kandahar airfield.

25 Q. And what were the nature of the combat

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1 operations or what was the nature of your role in
2 those operations?

3 A. I mean essentially everything was getting
4 started, basically. My unit came in from Pakistan,
5 we were some of the first conventional forces at
6 Kandahar airfield. Essentially we were there just to
7 establish a perimeter around the airfield and allow
8 for operations in and out of that airfield.

[REDACTED]

14 in May of 2003 I
15 was transferred to Parris Island, South Carolina to
16 weapons and field training battalion.

17 Q. Did there come a time during your time at
18 Parris Island that you commanded Stanley B.
19 Laskowski?

20 A. Yes. For about a year I was, I think 2005
21 I was the field training company commander and he was
22 one of my marines in field training platoon.

23 Q. Can you give a brief description of the
24 sorts of objectives the field training platoon would
25 have at Parris Island?

A. Their primary mission was or still is

1 recruit training, training recruits in combat
2 marksmanship. You know, engaging multiple targets,
3 moving targets. Basically they are kind of -- the
4 recruits are starting to get more of a combat mindset
5 in using their M16 in how to engage those targets.
6 That was that platoon's primary, primary mission.

7 Q. Captain Broene, we have premarked at the
8 outset six documents that we intend to introduce as
9 exhibits in the case. I'm going to take a moment and
10 ask you just to help me to identify those documents,
11 if you would.

12 I'd ask you, first, to direct your
13 attention to Plaintiffs' 32 and 33. And if you
14 would, sir, can you identify those documents? What
15 are those documents?

16 A. I have got them both here. They are
17 Fitness Reports, one where I was the Reviewing
18 Officer and the other where I was the Reporting
19 Senior for Sergeant Laskowski.

20 Q. Captain Broene, is it the regular practice
21 of the United States Marine Corps to create these
22 sorts of Fitness Reports?

23 A. Yes. The Fitness Report starts -- it's
24 for all marines sergeant and above that rank. It's
25 an official Navy Marine Corps document which is

1 basically used to track the -- a Marine's career.

2 And also, these reports are used during times of
3 promotion boards and things like that.

4 Q. Are these reports created at or near the
5 time of the review periods covered in the report?

6 A. They are, essentially at the end of the
7 report. So the to date you have, as a Reporting
8 Senior Reviewing Officer you have 30 days to complete
9 the report and get it to Headquarters Marine Corps.

10 Q. And these reports, the data that's
11 included on these reports, that data is inserted by
12 Marine Corps officers that have personal knowledge of
13 the subject of the report; is that correct?

14 A. That is correct.

15 Q. I'd ask you next to direct your attention
16 to Plaintiffs' 34 through 37, if you would.

17 A. I have got those documents here in front
18 of me.

19 Q. Captain Broene, what are these documents?

20 A. Every Reviewing Officer and Reporting
21 Senior you have a profile list that basically lists
22 out every Fitness Report that you have written, and
23 the Headquarters Marine Corps keeps this on record.

24 And when I was in the Marine Corps I
25 printed these off, and this was as of February 2007,

1 and it has all the reports that I have listed. And
2 then it basically categorizes all those reports and
3 basically summarizes all those reports by rank and
4 how the marines that I wrote, kind of how they fall
5 out or how they performed on those reports.

6 That's what both of these are -- or these
7 four documents, these four documents do.

8 Q. And Captain, is it the regular practice of
9 the Marine Corps to create these sorts of
10 compilations or documents that are represented at
11 Plaintiffs' 34 through 37?

12 A. Yes. Every Marine officer has this, has
13 his own report. So yes, they do, they do keep these
14 records.

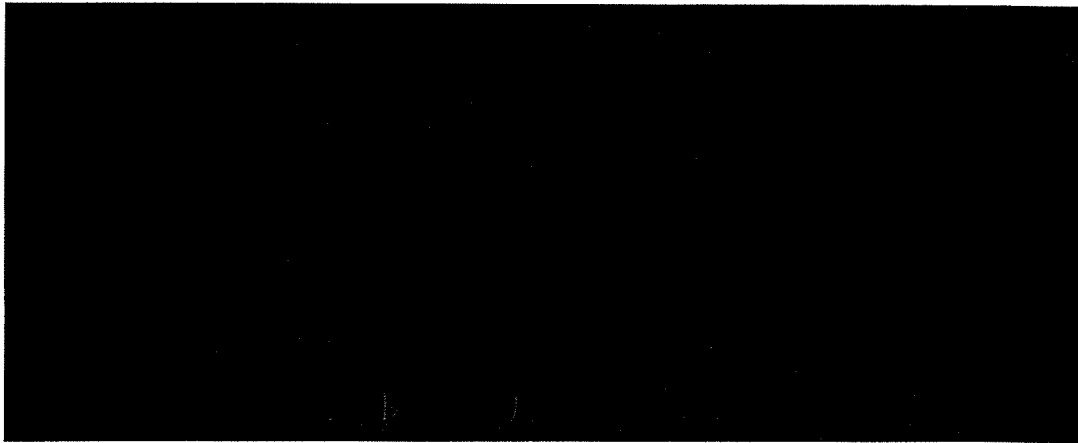
15 Q. And if you have just answered this, I
16 apologize for reasking it, but what is the purpose
17 for which these reports are created?

18 A. I guess the purpose is to allow the
19 Reporting Senior Reviewing Officer to see, to see all
20 the reports that they have written and to see the
21 Marines -- how these Marines have performed basically
22 lit by rank compared to their peers.

23 So I can pull my Reporting Senior or
24 Reporting Senior Report and see what my different
25 averages are for the different sergeants I wrote on

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1 and say, I'm getting ready to write a report on
2 another sergeant, I can make sure that report kind of
3 falls in line to how I think he compares to other
4 sergeants that I have observed and reviewed during my
5 time.



14 Q. Captain Broene, I'd like to direct you now
15 specifically to Plaintiffs' 32, if you would.

16 A. I have got that here in front of me.

17 Q. And you have identified generally that
18 this is a Fitness Report covering the period April 1,
19 '05 through April 21, '06. Agreed?

20 A. Correct.

21 Q. Tell me specifically, what was your role
22 in the preparation of this document, if you would?

23 A. I was the Reviewing Officer and my
24 responsibility was to review the report after the
25 Reporting Senior made his initial comments and

1 remarks. So, I would -- I would get the report -- I
2 got this report from Chief Warrant Officer Heikell.

3 I would go through and make sure it was
4 filled out correctly, read the billet description,
5 read the billet accomplishments. Go over his marks.
6 Basically mission accomplishment. Individual
7 character. Leadership. Intellect and wisdom.

8 And then I would read his direct and
9 additional comments on the last page. And after I
10 reviewed the report it was my job to either concur
11 with the report or not concur with the report. I'm
12 sorry.

13 Q. Go ahead.

14 A. With this report I concurred with his
15 observations. And then following my concurrence then
16 I also have to make a statement and also give the
17 Marine, in this case Sergeant Laskowski, a mark of
18 what kind of Marine I felt he was. So, you can see
19 the next -- the next Reviewing Officer comments, I
20 marked him as one of the few and exceptionally
21 qualified Marines.

22 And to the right there is a 5, so that
23 means all the sergeants that I had given -- been a
24 Reviewing Officer for, I had given five sergeants
25 that mark.

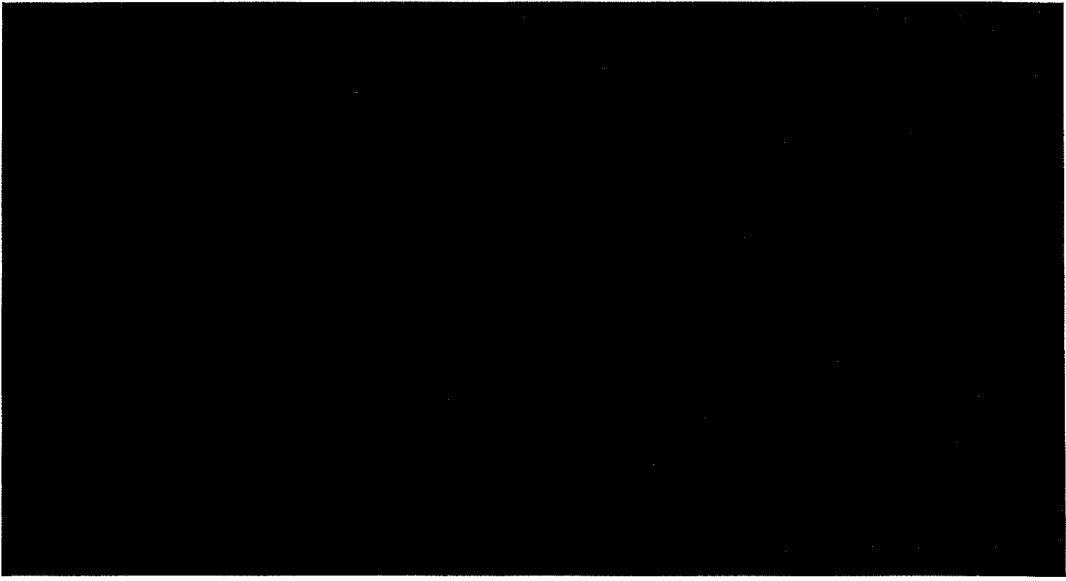
1 And then I also am required to provide
2 comments that basically back up why I marked him
3 where I did. And you can read those.

4 Q. Captain Broene, what does -- the 5
5 indicates I think you testified that there would be
6 five other sergeants who had received a similar mark
7 as Mr. Laskowski?

8 A. At the time that I wrote this report and
9 officially signed it I had given five other sergeants
10 before this a mark, that mark -- or that mark, that
11 exact mark.

12 Q. Captain Broene, how many sergeants prior
13 to the time you had prepared this report had received
14 a higher mark than Sergeant Laskowski?

15 A. None.



[REDACTED]

3 Q. Captain Broene, if you would, please turn
4 to Plaintiffs' Exhibits 34 and 35.

5 A. Got those in front of me.

6 Q. What -- explain to me what is -- with
7 regard to Sergeant Laskowski, what do these reports
8 demonstrate about how Sergeant Laskowski compared to
9 some of the other officers that you had reviewed?

10 A. If you look at -- we'll look at 34 first
11 and to go -- and page 2 Sergeants, you can see I have
12 got there is Brun, Brun, Calderon, Clay, Goral,
13 Johnson, Jones, Laskowski.

14 All those Marines at the time of when I
15 pulled this Reviewing Officer Fitness Report had
16 received an RO Assessment Mark, which is, that those
17 boxes we were looking at, of a 6 which was the
18 highest I had given any sergeant that I had reviewed
19 up to this point. So, he was at the top with those
20 other Marines listed there. And then as you go down
21 you can see other Marines that I reviewed that
22 received a lower mark.

23 Exhibit 35, if you look on the left-hand
24 side it says MRO rank. If you go down to Sergeant,
25 there is a 3/1, that means three sergeants I had

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1 given an unsatisfactory mark which corresponds to the
2 Fitness Report that we were just looking at. 11, 11
3 sergeants I had given a 2 as a qualified Marine. 28
4 a 3. 20 a 4. And then if you get up to 14 Marines,
5 I had given a 6.

6 And that's so -- and with that you can see
7 I had written -- when I pulled this report, I had
8 been the Reviewing Officer of 99 sergeants fit reps.
9 So, 14, 14 out of 99 sergeants that I had reviewed
10 had received a mark of 6.

11 Q. So Captain Broene, as of February 2nd,
12 2007 when these reports identified at Plaintiffs' 34
13 and 35 were printed, you had never given a sergeant a
14 higher Reviewing Officer grade than the one you had
15 given to Sergeant Laskowski?

16 A. Correct. Him and 13 other Marines,
17 correct.

18 Q. And you had reviewed how many sergeants by
19 that point?

20 A. 99.

21 Q. I'd like to direct you back to Plaintiffs'
22 32 which is the actual report we are discussing.

23 A. Got that in front of me.

24 Q. Can you tell from Plaintiffs' 32 what
25 Sergeant Laskowski's duty assignment was during this

1 period of time?

2 A. He was the primary marksmanship instructor
3 in field training platoon. I'm sorry, field firing
4 platoon.

5 Q. And I'd ask you, Captain Broene, to review
6 section C which is -- describes his billet
7 accomplishments. And if you would, after you take a
8 moment to review that, describe briefly for me, if
9 you would, what the nature of his duties were?

10 A. Okay. Going through, I'll start at the
11 top, a primary marksmanship instructor is a hand
12 selected Marine who's demonstrated kind of a superior
13 proficiency in marksmanship. So, he probably -- he
14 started out as a range coach and then was hand
15 selected as a primary marksmanship instructor. So,
16 he is the subject matter expert on the range in
17 regards to marksmanship.

18 So, as they are training recruits in
19 combat marksmanship or Table 2 as it's listed on this
20 report, some of your recruits struggle on the firing
21 line. So, what we would have happen is our primary
22 marksmanship instructors would actually -- would take
23 some of those recruits off to the side and work with
24 them individually to make sure they understood and
25 could grasp the concepts we were trying to teach

1 them, and then get them back out on the range to
2 qualify with their weapons.

3 So, that's what the first one is talking
4 about, that he helped over 100 recruits who were
5 having difficulties, getting them up to the level we
6 wanted.

7 Supervised over 15,000 recruits at Parris
8 Island. You have got recruits coming through every
9 week, so you see -- they see a lot. And within that
10 time, from April, April 2005 to April 2006, he saw
11 about 15,000 recruits that came through.

12 And one of the responsibilities for the
13 primary marksmanship instructor is to actually give
14 the classroom instruction to the recruits, it's a
15 PowerPoint presentation. So, that's what he was
16 doing there.

17 Q. He would actually be presenting --

18 A. Yes.

19 Q. -- to the recruits?

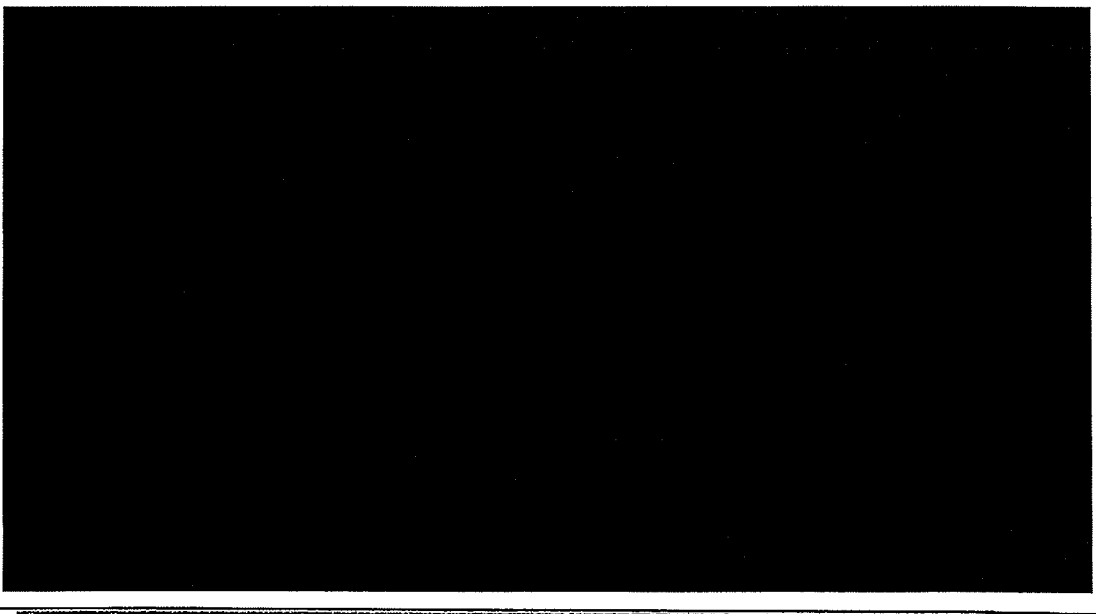
20 A. He would be up in front of a platoon of
21 recruits, 100 recruits, 200 recruits and give the
22 instruction.

23 Ensuring range coaches were proficient.
24 Like I said, as a marksmanship instructor he has
25 showed, demonstrated extreme proficiency in

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1 marksmanship. So, he is also watching and making
2 sure our range coaches are doing their job
3 instructing the recruits. He is just -- he is that
4 next level of marksmanship.

5 Assisted the range officer in successful
6 implementation of Table 2. During the time when I
7 was at Parris Island, obviously there was a lot going
8 on in Afghanistan, Iraq, and the Marine Corps was
9 changing its recruit training, it was evolving and
10 changing to meet the current -- the current combat
11 situation. And one of those things was marksmanship
12 for recruits, specifically Table 2 or combat
13 marksmanship, and he was instrumental in helping the
14 range officer basically implement that new -- this
15 new firing program.





19 Q. Okay. Captain Broene, I direct you, if
20 you would, turn with me to page 5 of that document.
21 And you testified earlier that the process you would
22 follow as the Reviewing Officer would be to review
23 the individual categories that run at pages 2 through
24 4. And then you would indicate on page 5 whether you
25 concurred in the evaluation. And I note that it does

1 in fact indicate that you concurred.

2 Do you see where I'm looking?

3 A. Yes.

4 Q. And is it fair to say that before you
5 would indicate that you concurred you would have
6 reviewed the narrative that was supplied by Chief
7 Warrant Officer Heikell?

8 A. Absolutely.

9 Q. Fair to say, then, that you agreed that
10 Mr. Laskowski led by example?

11 A. Yes.

12 Q. That he was able to take charge and
13 accomplish his mission?

14 A. Absolutely.

15 Q. That he was organized and professional --

16 A. Yes.

17 Q. -- with a strong work -- had a strong work
18 ethic?

19 A. Absolutely.

20 Q. That he was devoted to his Marines and
21 platoon?

22 A. Yes.

23 Q. That he was mature and levelheaded and put
24 forth much effort and consistently put himself last
25 and his Marines first?

1 A. Yes, I would agree.

2 Q. Did you agree with Chief Warrant Officer
3 Heikell's recommendation that Sergeant Laskowski be
4 retained, promoted and given an assignment in the
5 operating forces?

6 A. Yes, I agreed.

7 Q. What are the operating forces?

8 A. The operating forces are essentially the
9 Marine Corps units that are overseas fighting now. I
10 mean, you have got your operating forces and your
11 support forces. Support being what we did at Parris
12 Island, you are not going to deploy your training
13 recruits.


14 You know, you have also got recruiters.
15 There is a lot of other support things that are going
16 on, but the operating force is mainly out of Camp
17 Lejeune, North Carolina and Camp Pendleton and 29
18 Palms California. Those are the units that are
19 either training to go fight or fighting overseas now.

20 Q. Why are Sergeant Laskowski's superiors
21 recommending him for assignment in the operating
22 forces?

23 A. Basically from his -- what he demonstrated
24 that he would perform well if he went back out in the
25 operating forces.

1 Q. Did you agree with Chief Warrant Officer
2 Heikell's assessment that he would work with Sergeant
3 Laskowski in any situation?

4 A. Yes.



8 Q. And that he had an ability to assess
9 hazards, risks and to implement controls that
10 provided the platoon with a safe operating
11 environment resulting in no safety-related incidents?

12 A. Yes.

13 Q. Now, you also, Captain Broene, included
14 your own narrative in Section K of this review.
15 Agreed?

16 A. Correct.

17 Q. What did you have to say about Sergeant
18 Laskowski?

19 A. Basically he was very intelligent and
20 capable. I say one of his -- one of his best traits
21 was his communication skills. Like I said, he was an
22 instructor, you know, his ability to get up in front
23 of 100 recruits and give a marksmanship period of
24 instruction especially when the recruits are tired, I
25 mean he was able to keep their attention.

1 And then also we would have -- a lot of
2 times we would have, you know, VIPs or visitors come,
3 a lot of people want to see recruit training. And if
4 we took them out to the range to show them combat
5 marksmanship, usually Sergeant Laskowski was the
6 instructor or the person that was explaining what was
7 going on during the demonstrations.

8 Q. Captain Broene, is that what you referred
9 to when you describe his communication skills as
10 superior?

11 A. Yes. Yes. Absolutely. I don't know if
12 it was this Fitness Report or the next one, but like
13 I said, we were implementing these changes, this one
14 example. And before all these changes were
15 implemented, the Base Commanding General, the
16 commanders from the recruit training regiment where
17 the recruits actually are part of came out to our
18 range for basically so they could do this new
19 marksmanship training just to have a feel of what the
20 recruits were doing.

21 And Sergeant Laskowski was the one that
22 was in front of the General and these other
23 commanders explaining what would happen and showing
24 them the course of fire.

25 So, that's -- that was one of the reasons

1 why I put that, that comment there. For a
2 sergeant -- for a sergeant to be able to get up in
3 front of the Base Commanding General is pretty
4 remarkable, that doesn't happen every day.

5 Q. You indicate in your narrative that
6 Sergeant Laskowski displayed unlimited potential for
7 future service. What do you mean by that?

8 A. He was an asset to the Marine Corps. I
9 mean, you know, some Marines that you command you,
10 you know, you don't think they are going to progress
11 and go on. But he was, he was outstanding at what he
12 did and for his rank. And I could easily see him
13 being promoted to the next rank and continuing on and
14 doing great things for the Marine Corps.

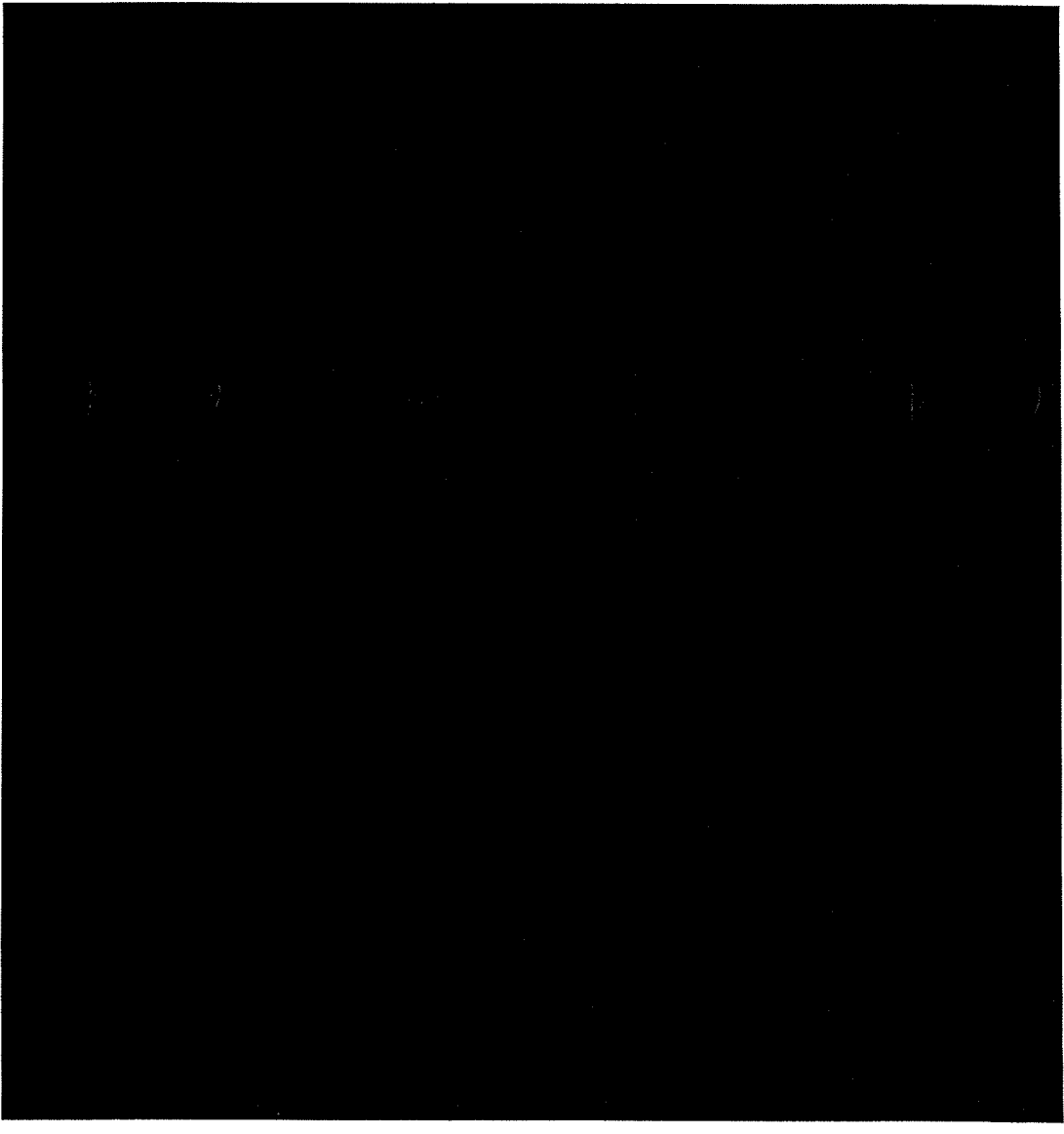
15 Q. The final sentence of your narrative
16 states: Promote with finer peers.

17 What is the significance of that sentence?

18 A. Basically -- that's basically saying that
19 for his rank he is ahead of his peers. As we looked
20 at those report -- Reviewing Officer Fitness Report,
21 Exhibit 34, you know, my RO Assessment Mark gave him
22 a 6 out of, you know, 99 Marines, he was in the top
23 14. Those Marines up at the top that have those
24 higher marks are his finer peers, and also other
25 Marines that I didn't observe.

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1 But other Marines that have Fitness
2 Reports with similar marks would be considered finer
3 peers, and basically that's what I was stating, that
4 he needs to be promoted with those in his rank that
5 are performing at a high level.



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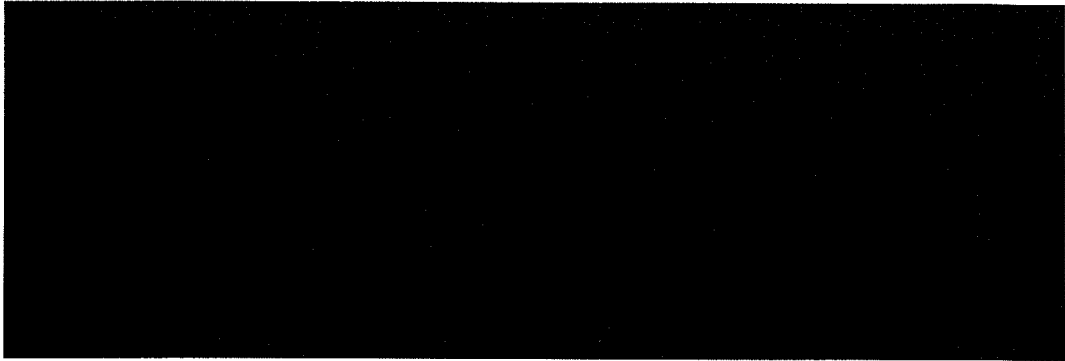
1 So, for about a year's worth of time.

2 Q. I'd ask, if you would, just to direct your
3 attention to Plaintiffs' Exhibit 33. Like to talk to
4 you for a moment about that particular document.

5 A. I have got it here in front of me.

6 Q. You identified that document earlier in
7 your testimony, sir, as a Fitness Report covering the
8 period April 22, '06 through July 4, 2006. Agreed?

9 A. Correct.



7 Q. Can you tell from this report what
8 Sergeant Laskowski's duty assignment was during this
9 period of time?

10 A. He was the chief primary marksmanship
11 instructor. So, at this time he was now in charge
12 of, I think I have it there, seven other primary
13 marksmanship instructors in his section. So he was
14 now basically in charge of the marksmanship
15 instructors and the marksmanship instruction for that
16 platoon.

17 So, he had essentially been given a
18 promotion within his -- within his platoon of
19 greater -- a billet of some greater responsibility.

20 Q. And can we agree that Section C which is
21 labeled Billet Accomplishments, that describes his
22 accomplishments during this particular review period?

23 A. Correct. From April.

24 Q. And you would -- you would have supplied
25 that data into the report?

1 A. Yes, supplied and observed. Observed him
2 conducting that or accomplishing those billet
3 requirements, yes.

4 Q. Fair to say during this period of time
5 that Sergeant Laskowski is supervising and training
6 Marine recruits?

7 A. Yes. Yes, he is.

8 Q. And he is also supervising and training
9 range coaches?

10 A. Range coaches and primary marksmanship
11 instructors. Yes.

12 Q. Your Billet Accomplishments description
13 states that: He continually analyzed and made
14 recommendations to improve the quality of instruction
15 recruits received.

16 Do you see that?

17 A. Yes.

18 Q. What does that -- what does that signify?

19 A. Like I said, during this time the Marine
20 Corps was changing the way we did marksmanship for
21 recruits. Kind of with that change obviously we are
22 going to analyze what we are doing; if we can do
23 things better. Add things. Remove things.

24 And during this period of time you'll see
25 it in Section I, Sergeant Laskowski was -- he was

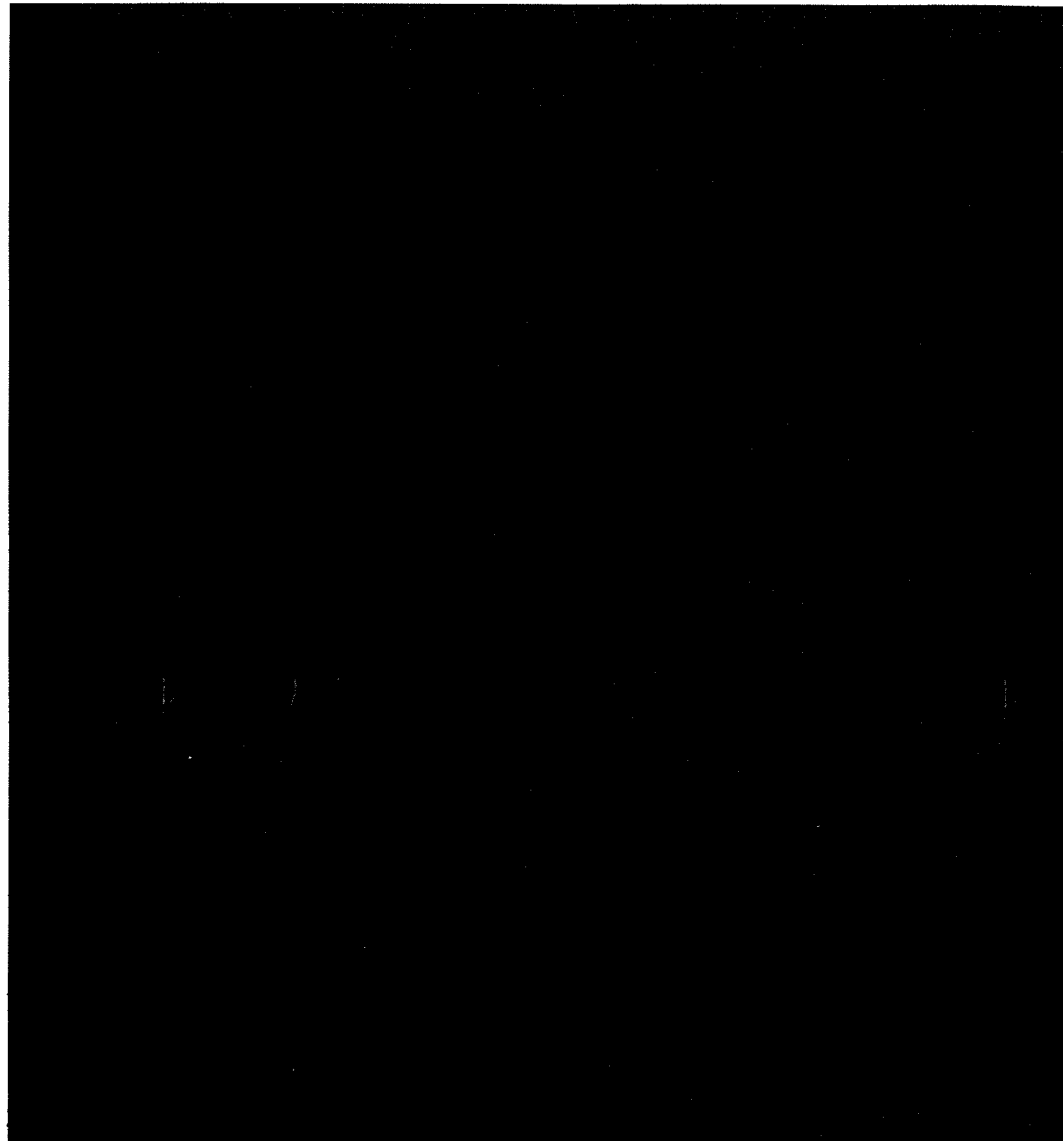
1 hand selected by the battalion commander to attend a
2 marksmanship, combat marksmanship conference in
3 Quantico, Virginia, basically getting, you know,
4 subject matter expert, somebody that's there on the
5 firing line with the recruits, his opinions and
6 recommendations for combat marksmanship training.

7 Quantico is the hub for the Marine Corps,
8 it's the headquarters of the Marine Corps. So they
9 had a lot of different marksmanship experts come
10 there and gather for a conference.

11 So, basically that's, you know, that's
12 what I was saying, that he was, you know, continuing
13 to do that during that time period and giving myself,
14 the battalion commander operations officer and even
15 headquarters of Marine Corps recommendations and
16 opinions on how to best train recruits in combat
17 marksmanship.

18 Q. Were his opinions and recommendations
19 valued by you as his Reporting Senior?

20 A. Absolutely, and the battalion commander,
21 yes.



21 Q. Captain Broene, I direct you back to the
22 front page of this report. Can you tell from the
23 front page of this document whether you recommended
24 Sergeant Laskowski for promotion?

25 A. Yes. Section A, No. 7. There I checked

1 yes.

2 Q. So you did in fact recommend him for
3 promotion?

4 A. Yes.

5 Q. And at this period of time when you are
6 authoring this report, what is your duty assignment?

7 A. I am the Field Training Company Commander.

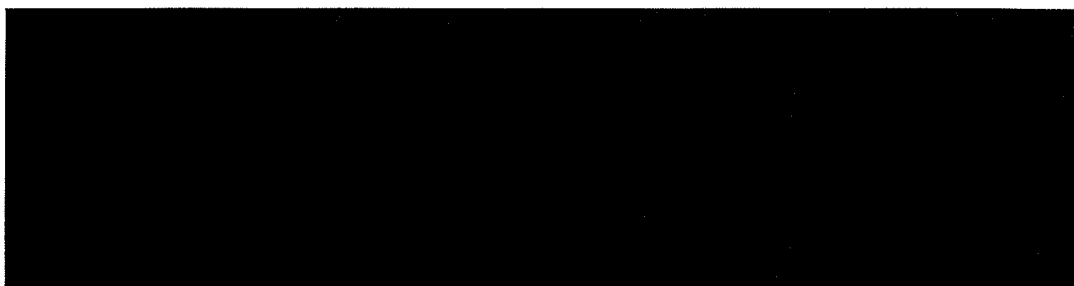
8 Q. Captain Broene, I'd like to work with you
9 through the actual sections of this report because as
10 I understand it from your testimony, the grades that
11 were given to Sergeant Laskowski on this report would
12 have actually been given by you --

13 A. Correct.

14 Q. -- correct?

15 A. That's correct.

16 Q. So, if you would, direct yourself to page
17 2 of this document.



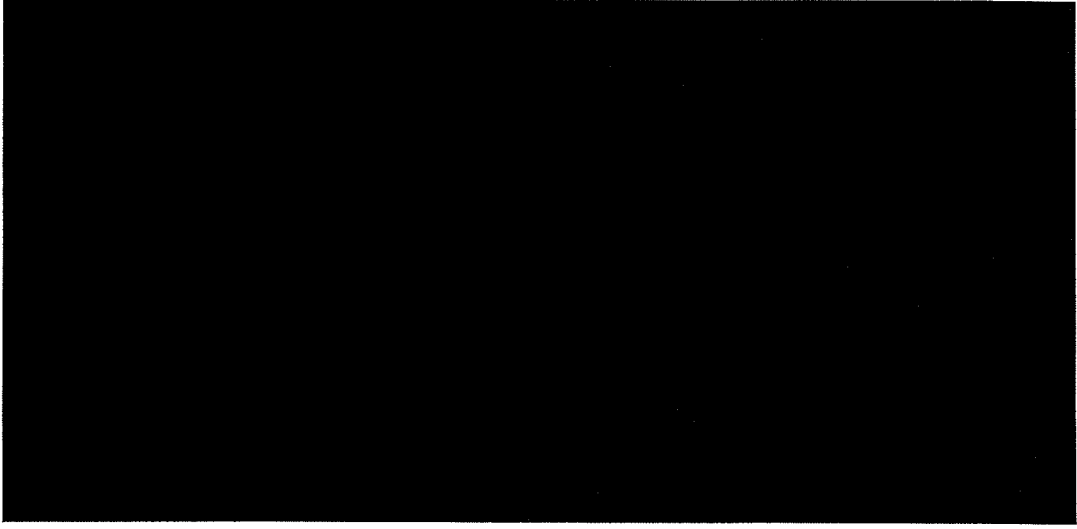
23 Q. And what were you observing about Sergeant
24 Laskowski's performance?

25 A. Basically what he did, like I said, as a

1 marksmanship instructor. What he did day in and day
2 out, and just also his, you know, overall
3 performance, you know, as a Marine noncommissioned
4 officer. That's kind of what performance breaks down
5 to. Like I said, it's his job, but then also how he
6 performs as a Marine NCO.

7 Q. His ability to sort of be on time, be
8 punctual, give regular attendance to his duties,
9 those sorts of factors would be encompassed within
10 your review of his performance?

11 A. Yes. And, you know, if he is -- kind of
12 what impact he has on the platoon in his billet, you
13 know, if he is -- he's got a positive impact on his
14 platoon and he is a key -- a key player in that
15 platoon, you know, his performance is going to be
16 marked, marked where I marked him.





4 Q. How did you grade Sergeant Laskowski's
5 proficiency?

6 A. I gave him an E which was -- which is a
7 very, very good mark. But, you know, like I said
8 before, he was the chief primary marksmanship
9 instructor. So, he is the cream of the crop in that
10 platoon when it comes to marksmanship compared to all
11 his -- all of his peers.

12 Q. Directing you to Section E of this
13 document, you are also required during the review
14 period to evaluate Sergeant Laskowski's individual
15 character. Correct?

16 A. Correct.

17 Q. And you evaluate in that portion of your
18 assessment his courage, his effectiveness under
19 stress and his initiative. Correct?

20 A. Correct.

21 Q. How did Laskowski perform in those
22 categories?

23 A. Again, I marked a D in all of these, which
24 are excellent marks especially compared to --
25 compared to Marines in his grade, in sergeant.

1 Courage, effectiveness, stress and initiative were
2 all marked D.


3 You know, you are not in a combat
4 situation there but there definitely is some stress
5 and there is some courage to get out on a firing line
6 with a bunch of recruits who have never touched a
7 rifle before and to be able to be out there and make
8 sure they are operating in a safe environment and
9 that everything is safe and they are doing things the
10 right way.

11 And, you know, it can get stressful out
12 there at times as well. You are out there before the
13 sun comes up, 95 degrees like it is here in Savannah
14 today. Out there all day. Having to keep your cool.
15 And, you know, recruits would do stupid things
16 sometimes but, you know, being that calm influence,
17 he did that great.

18 And then initiative, you know, you didn't
19 have to tell him to do much. He knew what he needed
20 to do and he did it. He did it -- he did it well.

21 Q. Captain Broene, is the marksmanship
22 training undertaken with live fire?

23 A. Oh, yes. Yes. Several thousands of
24 rounds a day. Yes. It's all live.



20 Sergeant Laskowski assisted in creating a safe
21 environment in his trainings, are you suggesting that
22 Laskowski assisted in sort of minimizing the hazard
23 or risk?

24 A. Yeah, absolutely. I mean, you know, as a
25 primary marksmanship instructor that was part of

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1 his -- one of the big responsibilities that he had.
2 If you go back to on Exhibit 33, Billet Description,
3 thoroughly understand emergency red blanket
4 procedures. A red blanket is if something goes wrong
5 on the range: Recruit shoots himself, shoots
6 somebody else.

7 So that was something that he was
8 definitely responsible for.

9 Q. And when you say that Sergeant Laskowski
10 was hand selected to provide briefings and
11 demonstrations before VIPs --

12 A. Right.

13 Q. -- how many sergeants would be candidates
14 for selection to do this sort of thing?

3 But, so, out of his peers of marksmanship
4 instructors, you know, seven or eight, he was the one
5 that was going to do it. But, you know, out of
6 everybody from the platoon commander on up could have
7 given the presentations and demonstrations. But like
8 I said, because of his knowledge and we weren't --
9 you know, we were confident in him to get in front of
10 the General and, you know, represent himself and the
11 battalion quite well. So...

12 Q. At page 3 of the document we have been
13 talking about, Plaintiffs' 33, you were required to
14 evaluate Sergeant Laskowski's leadership abilities.

15 Do you see that section of the document?

16 A. Yes.

2 A. I did.

3 Q. Can you speak briefly to what this review
4 reflects about Sergeant Laskowski's leadership
5 abilities?

6 A. Well, again, on this report marks of D and
7 E in communication skills, those are high marks for a
8 sergeant. Leading and developing. You know, he was,
9 like I said, he was the chief marksmanship
10 instructor, so he was -- he was leading and
11 developing his peers, the other primary marksmanship
12 instructors and range coaches.

13 And also developing subordinates, I mean
14 like I said, all the recruits that he was training.
15 You know, also in being a good leader he set a good
16 example, a great example as a Marine NCO, you know,
17 the other Marines looked up to him.

18 Ensuring the wellbeing of his
19 subordinates. You know, obviously he is looking out
20 for the wellbeing of the Marines that he is in charge
21 of and the recruits, you know, on the range.

22 And then communication skills, like I
23 said, probably one of his finer traits. You know,
24 his ability to clearly articulate classroom
25 instruction and give demonstrations and presentations

1 were second to none really.

2 Q. The document also requires you to evaluate
3 Sergeant Laskowski's intellect and wisdom, at Section
4 G.

5 A. Right.

6 Q. Do you see that section of the document?

7 A. Yes.

8 Q. And in that section you are required to
9 evaluate his professional military education and his
10 ability to make decisions and his judgment?

11 A. Correct.

12 Q. Do you agree with me that those were part
13 of your assessment of Sergeant Laskowski's intellect
14 and wisdom?

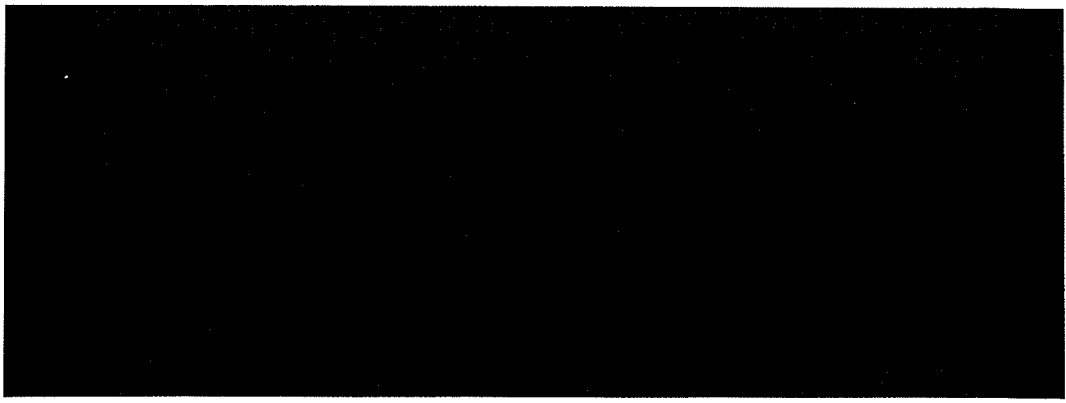
15 A. Yes.

3 Q. And I believe you testified earlier but
4 I'll ask you again, his opinions and decisions were
5 valued by his subordinates and superiors. Is that
6 your testimony?


7 A. Yes. Highly regarded.

8 Q. Would you say the same about his judgment?

9 A. Yes. Yeah. I mean he displayed I
10 think -- again, his -- the decisions that he made,
11 the recommendations that he made, you know, the way
12 he conducted himself on the range, he displayed
13 excellent judgment.




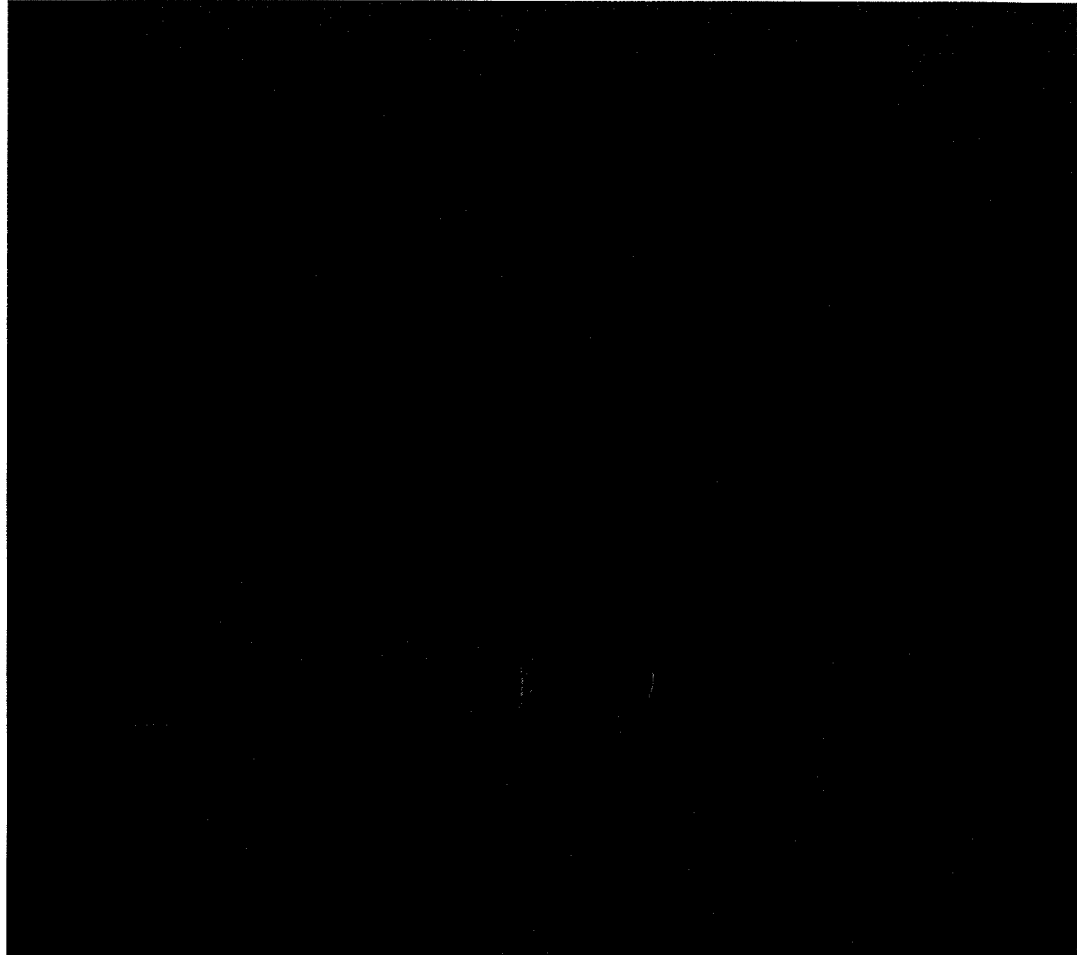
8 Q. Let's refer, if we can, for a moment to
9 Plaintiffs' 36 and 37.



15 How does that -- take us to Plaintiffs'
16 36, if you would, and explain how Laskowski or any
17 sergeant that you are reviewing ultimately receives a
18 score.

19 A. When you write a Fitness Report the main
20 thing to take into account is that you are writing
21 that report based on the grade or the rank of that
22 Marine. In this case it was a sergeant.






18 Q. And how does that place him relative to
19 other sergeants that you had reviewed?

20 A. At the time that I pulled this Fitness
21 Report, Reporting Senior Fitness Report based on my
22 profile which was February 2007, he was the top two
23 of -- I had given one other Marine, Sergeant Garrett
24 a 4.07. But those were my top two reports when I was
25 the Reporting Senior on a sergeant that I had written

1 up to that point.



16 Q. (By Mr. Dempsey) Captain Broene, we have
17 now reviewed together your evaluations of Sergeant
18 Laskowski during your command of him. Is it fair to
19 say that your impressions of Sergeant Laskowski were
20 favorable?

21 A. Absolutely.

22 Q. I would ask that you -- that we play clip
23 No. 1 and I'm going to ask you a question or two
24 about the clip.

25 (Discussion off the record.)

1 MR. DEMPSEY: I will represent before we
2 get into the clip, this is a clip from
3 Mr. Laskowski's deposition that took place back
4 in the middle of May.

5 (Video clip was played.)

6 Q. (By Mr. Dempsey) Have you had a chance to
7 review that clip?

8 A. I did, I just watched it. I don't know if
9 it ended kind of abruptly, I guess that was probably
10 the end though.

11 Q. It was.

12 A. Okay.

13 Q. Did you consider Sergeant Laskowski to be
14 progressing appropriately within the rank of
15 sergeant?

16 A. Absolutely. I mean, like I said in my
17 reports, ahead of his peers.

18 Q. Did anyone ever suggest to you that
19 Sergeant Laskowski should be kept back behind his
20 peers?

21 A. No, no, every report I reviewed or wrote
22 myself he was recommended for promotion.

23 Q. And what would have been the next
24 promotion for Sergeant Laskowski?

25 A. The rank of staff sergeant.

1 Q. Captain Broene, you yourself have
2 transitioned from Marine Corps service into civilian
3 employment; is that correct?

4 A. I have.

5 Q. Have you found that the skills and values
6 and training that you received in the Marine Corps
7 have allowed you to transition well?

8 A. Yes. Absolutely.

9 Q. And that training in the Marine Corps has
10 served you well?

11 A. Yes.

12 Q. How has that served you in your civilian
13 employment?

14 A. You know, in the Marine Corps as a
15 lieutenant when I started -- I mean I was in my
16 early -- early 20s and you are given a lot of
17 responsibility. You know, you do a lot of things,
18 you see a lot of things. When you are, like I said,
19 in your early 20s, a lot of your peer group probably
20 isn't -- you are given a lot of responsibility with
21 equipment and ultimately lives. And you take that --
22 you take that seriously, very seriously and the
23 Marine Corps demands a lot out of you as a person.

24 As you go through those Fitness Reports,
25 all those marks kind of are based on how you are as a

1 Marine individually and those skills, initiative,
2 performance, proficiency, setting an example, even
3 though you are not doing the same things in the
4 civilian world, those things, you know, they do
5 translate as you as an individual as you move on.

6 Q. And based on your testimony, the last
7 review that you were involved with in connection with
8 Sergeant Laskowski's performance ended as of July 4,
9 2006. Correct?

10 A. Correct.

11 Q. And as of that time, did you believe
12 Sergeant Laskowski to possess the sorts of skills
13 that you just identified?

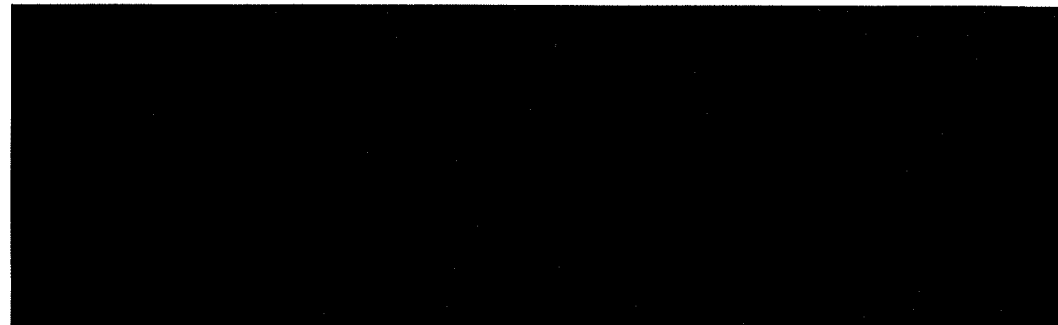
14 A. Absolutely. If I'm not mistaken, that was
15 his End of Service Report. And anytime -- I mean I
16 had several Marines that left the Marine Corps that I
17 reviewed and you kind of have a -- you kind of have a
18 sense, you know, this one is going to go off and
19 probably do some pretty good things. Or, this one,
20 not so much.

21 But I was confident that he was, that he
22 had the tools and, you know, the skills to go out and
23 do well in the civilian world.

24 Q. Thank you, sir. I have got nothing
25 further for you.

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1 MR. THIEL: I have no questions for you,
2 sir. Thank you, Captain.
3 THE WITNESS: You're welcome.



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1 ERRATA SHEET

2

3 I, the undersigned, CAPTAIN JASON BROENE, do

4 hereby certify that I have read the foregoing

5 deposition and find it to be a true and accurate

6 transcription of my testimony, with the following

7 corrections, if any:

8 PAGE LINE CHANGE REASON

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25 Captain Jason Broene

Date

CERTIFICATE

GEORGIA:

CHATHAM COUNTY:

I, Linda E. Cheek, Certified Court
Reporter for the State of Georgia, do hereby certify:

That the foregoing deposition was taken
before me on the date and at the time and location
stated on Page 1 of this transcript; that the witness
was duly sworn to testify to the truth, the whole
truth and nothing but the truth; that the testimony
of the witness and all objections made at the time of
the examination were recorded stenographically by me
and were thereafter transcribed by computer-aided
transcription; that the foregoing deposition, as
typed, is a true, accurate and complete record of the
testimony of the witness and of all objections made
at the time of the examination.

I further certify that I am neither
related to nor counsel for any party to the cause
pending or interested in the events thereof.

Witness my hand, I have hereunto affixed
my official seal this 20th day of June, 2011, at
Savannah, Chatham County, Georgia.

Linda E. Cheek

1 DISCLOSURE

2 Pursuant to Article 8.B. of the Rules and
3 Regulations of the Board of Court Reporting of the
4 Judicial Council of Georgia, I make the following
5 disclosure:

6 I am a Georgia Certified Court Reporter. I was
7 contacted by my office of McKee Court Reporting,
8 Inc., to provide court reporting services for this
9 deposition.

10 I will not be taking this deposition under any
11 contract that is prohibited by O.C.G.A. 15-14-37(a)
12 and (b).

13 I have no contract/agreement to provide
14 reporting services with any party to the case, any
15 counsel in the case or any reporter or reporting
16 agency from whom a referral might have been made to
17 cover the deposition.

18 I will charge its usual and customary rates to
19 all parties in the case, and a financial discount
20 will not be given to any party to this litigation.

21

22 Linda E. Cheek Date: June 20, 2011

23 LINDA E. CHEEK, RMR, CCR-A-752

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